IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1063 OF 2005

IN

CHAMBER SUMMONS NO.965 OF 2005

IN

SUIT NO.1420 OF 1979

Vanijya Share Traders Pvt.Ltd. ...Appellants

v/s

R. C. Goekna, since deceased through legal heirs Rajkumari R. Goenka and ors. ...Respondents

Mr R.A. Thorat, Sr. Counsel with Mr V.B. Naik, Mr M.L. Chaturvedi and Mr J.S. Chandnani for Appellants.
Mr S.S. Shetye with Mr Ravi Goenka and Mr Prasad Lad i/b M/s Goenka Law and Associates for Respondent Nos.1, 4, 7 and 8.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 16TH OCTOBER 2007.

P.C. :-

1. The appeal is not on board for hearing. By consent of parties, appeal is heard finally. On a motion made by the learned counsel appearing for respondent Nos.1, 4, 7 and 8, chamber summons No. 965 of 2005 taken out by the defendant No.1, is permitted to be withdrawn with liberty to raise the same objections at an appropriate stage. As a consequence of withdrawal of chamber summons, the order dated 4th October 2005 passed on that chamber summons by the learned Single Judge does not survive, rendering this appeal infructuous. Appeal is disposed off as such. Notice of motion No. 2668 of 2007 does not survive for consideration. It is disposed off as such.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)